

REMARKS

Applicants have studied the Office Action dated June 17, 2003 and have made amendments to the claims in accordance with the subject matter discussed with the Examiner during a telephone interview. No new matter has been added. It is submitted that the application, as amended, is in condition for allowance. By virtue of this amendment, claims 19-31 are pending. Reconsideration and allowance of the pending claims in view of the above amendments and the following remarks is respectfully requested.

In the Office Action, the Examiner:

- rejected claims 19-31 under 35 U.S.C. § 103(a) as being unpatentable over Fergerson.

Rejection under 35 U.S.C. §103(a) over Fergerson

As noted above, the Examiner rejected claims 19-31 under 35 U.S.C. § 103(a) as being unpatentable over Fergerson. The Applicants respectfully overcome this rejection below.

The Fergerson reference is directed towards a system for facilitating the purchase of products from more than one web site or merchant site. Specifically, the Fergerson reference discloses in the Abstract section:

A system and method for shopping at a variety of different vendors easily and securely is disclosed . . . (Emphasis added).

The Fergerson reference, however, does not disclose the use of auctions for selling products or services, as described in amended independent claims 19, 25 and 31. Specifically, nowhere in the specification does the Fergerson reference make any mention of a bidder participating in multiple auctions or managing an auction based on the proceedings of another auction (as described in Applicant's independent claims). In

fact, the Fergerson reference as a whole makes no mention of auctions. Accordingly, for this reason, the Applicant's invention is distinguishable over Fergerson and in view of the obviousness arguments of the Examiner.

Furthermore, the Fergerson reference does not disclose the automatic purchase of products or services (without user interaction) on behalf of the user, as described in amended independent claims 19, 25 and 31. Specifically, nowhere in the specification does the Fergerson reference make any mention of the Fergerson system automatically purchasing products or services on behal of the user but without user interaction (as described in Applicant's independent claims). Accordingly, for this reason as well, the Applicant's invention is distinguishable over Fergerson and in view of the obviousness arguments of the Examiner.

Therefore, for the reasons stated above, the Fergerson reference taken alone or in view of the information that is allegedly in the personal knowledge of the Examiner does not describe, teach nor suggest the recited elements of independent claims 19, 25 and 31. Therefore, the Examiner's rejection should be withdrawn.

Dependent claims 20-24 and 26-30 depend from independent claims 19, 25 and 31, respectively. Since dependent claims contain all the limitations of the independent claims, claims 20-24 and 26-30 distinguish over the references above. Therefore, the Examiner's rejection should be withdrawn.

CONCLUSION

In view of the foregoing, Applicants respectfully submit that all of the grounds for rejection stated in the Examiner's Office Action have been overcome, and that all claims in the application are allowable. It is believed that the application is now in condition for allowance, which allowance is respectfully requested.

PLEASE CALL the undersigned if that would expedite the prosecution of this application.

Date: 8/18/03

By: 

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